

REMARKS

Claims 1-18 remain pending in the application. Reexamination and reconsideration of the claims, in view of the discussion below, are respectfully requested.

In the Office Action, the Examiner notes that a copy of FR 2,292,487 has been placed in the application file but not considered. A copy of FR 2,292,487 is enclosed with this response. Also enclosed is a copy of a page from the International Search Report citing the category of this reference, which satisfies the requirement for a concise explanation for non-English language information pursuant to MPEP 609.04(a), part III. In accordance with MPEP 1893.03(g), the Notice of Acceptance (Form PCT/DO/EO/903) dated April 21, 2005, notes that copies of the following items were received: International Search Report, International Preliminary Examination Report, and copies of the references cited in the International Search Report. Therefore, it is submitted that all information was previously available for the Examiner to consider FR 2,292,487, and consideration of this reference is respectfully requested. If anything additional is requested or needed by the Examiner in order to consider this reference, please call the undersigned.

The Examiner rejected claims 1, 4-5, 7-11 and 14-18 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,147,323 to Haber et al. This rejection is respectfully traversed.

Haber et al. fails to disclose all of the elements required by claims 1 and 14. Haber et al. discloses a syringe having two pre-filled chambers 46, 48 and an accumulation chamber 38, but only a single plunger stem 22 that can be selectively applied to the three pistons 42, 44, 26 associated with the chambers. The plunger can only be applied to a single one of the chambers at any time, as is illustrated in Figs. 5-6 and 8-9. As there is only one plunger, there is no interlinking mechanism.

Claim 1, on the other hand, recites a syringe comprising two respective plungers which are interlinked such that movement of one plunger may be prevented depending on the position of the other plunger.

As regards to claim 14, Haber et al. fails to disclose a communicating conduit with a fluid connection means that is selectively engageable with the two chambers. In the Haber et al. device, the fluid path 70 between the two chambers 46, 48 (shown in Fig. 7) is not selectively engageable. The Examiner cites that the end cap 68 in which the flow path 70 is provided is "slidable," yet it is apparent from the description at col. 3, lines 55-60, that the end cap 68 is permanently mounted and is not moveable.

Not only is the mechanism of the present invention different from Haber et al., it also has a different function in that the recited interlock can be employed to prevent a user from operating the syringe incorrectly. No such function is provided by the Haber et al. device. On the contrary, a user of the Haber et al. device can select the order in which to eject fluid from the chambers. Thus a drug could be expelled from the first chamber without a diluent having being added from the second chamber. The user also controls the amounts of the fluids ejected (see col. 4, line 55, to col. 5, line 14). The present invention can be employed so as to avoid these problems.

Thus, the independent claims 1 and 14 are not anticipated by Haber et al., and these claims and the remaining claims, which are all dependent on either claim 1 or claim 14 should be allowable.

As a result, it is unnecessary to address the rejection of claims 2-4 as being obvious over Haber et al. in view of Pizzino (U.S. Patent 4,160,666). However, Applicants point out that Pizzino does not disclose a cam means or any other means interlinking the plungers. The passage relied upon by the Examiner relates merely to the outlet of the second chamber being blocked until the first chamber has been emptied. But the plungers themselves are not interlinked in any way. Moreover the present invention permits the function that the allowed movement of one plunger is dependent on the position of the other plunger, such that the relative amounts of fluid dispensed from the two chambers can be continually controlled. In Pizzino, the slidable outlet valve only allows the first barrel to be emptied entirely and then the second barrel to be emptied entirely.

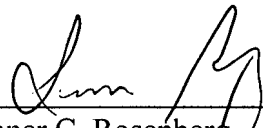
Also, neither Haber nor Pizzino relates to reconstitution of a lyophilised substance.

In view of the remarks herein, applicants respectfully submit that claims 1-18 are allowable, and applicants request that the Examiner pass these claims to issuance at an early date.

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Respectfully submitted,

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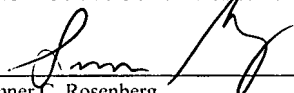
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Sumner C. Rosenberg

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